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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,254	11/22/1999	RAY F. BARNARD	EN999116	8410
44755	7590	05/17/2006	EXAMINER	
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WOODLAWN, VA 24381			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 05/17/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/444,254

Filing Date: November 22, 1999

Appellant(s): BARNARD ET AL.

Jack P. Friedman
For Appellant

**SUPPLEMENTAL
EXAMINER'S ANSWER**

1 1 2 3 1 0 6
This is in response to the appeal brief filed December 15, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 29-32 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6381610 GUNDEWAR et al. 4-2002

5537591 OKA 7-1996

"Microsoft Press Computer Dictionary -- 3rd ed." Microsoft Press, 1997, p. 508.

Printed Screen of Windows 95 (illustrating a contiguous screen similar to Applicant's shown in Applicant's Figure 16/18).

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar et al. (US Patent 6,381,610) in view of Oka (US Patent 5,537,591);

Examiner's Official Notice; and Microsoft Press Computer Dictionary. The following rejection was set forth in a prior Office Action, mailed on 7/28/2004:

Gundewar et al. discloses the claimed device but is silent regarding the system being used for a GP/AP system; how items are selected in the software which does not explicitly claim "buttons" for selecting tasks of categories; and where the folders and views section, task title display and selection area, summary task creation button and the detailed task creation button visually appear together in a single contiguous display area.

Oka discloses in the "Summary of the Invention" in column 1, that it is known in the art to provide programming instruction to coordinate the design, implementation and use of an accounting system in order to coordinate the development of an accounting system. See details also under the "Description of the Related Art" in column 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the program storage device of Gundewar et al. for use on the development of an accounting system as taught by Oka, in order to coordinate the design, implementation and use of an accounting system.

Examiner takes official notice that selection buttons are notoriously old and well known in the art of computer operating systems (such as used in a Windows interface) in order to make it easy for a user to select an item from a list. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the program storage device of Gundewar et al. and Oka, as modified above,

with buttons for selecting of Examiner's Official Notice, in order to allow the user to conveniently select items. (For clarification and explanation of the rejection, Examiner will presume that the progression from left to right in figure 3 is carried out by selecting "buttons" in order to view additional detail.)

Microsoft Press Computer Dictionary discloses that it is known in the art of computer graphical interfaces to provide a windowing environment where the screen is divided into several windows each with its own boundaries and can contain different information to provide users a multitasking interface to view different documents at the same time. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the folders and views section, task title display and selection area, summary task creation button and the detailed task creation button of the program storage device of Gundewar et al.; Oka and Examiner's Official Notice, as modified above, on one divided screen of a windowing environment as taught by Microsoft Press Computer Dictionary, in order provide users a multitasking interface to view these different documents at the same time on a screen.

Gundewar et al. discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform method steps for coordinating a project for designing, implementing, and using a computer software system for a customer (see column 1, lines 10+ and Table A which outlines the design, production, implementation and management of a computer software system), the method comprising:

Creating and maintaining a playbook database (for example: this includes all databases and data shown in figure 1; discussed beginning in column 2 line 66), where the playbook database comprises a plurality of templates of information relating to the design, implementation, and use of the computer software system (for example the templates include the information shown in Tables A-C and figure 3), the plurality of templates being particularized for the customer (Examiner contends that the computer software system is being designed for some type of end customer which will use the software, such as a company wanting to have their accounting system developed or improved, it is also possible that the customer is the developer also, but may be different individuals within a company);

Generating a playbook summary view from the playbook database (when users use the system views of information from the databases are generated for the user to use, such as Tables A-C and views one would encounter using the views in figure 3; See attached marked up copy of figure 3 for clarification);

Displaying the playbook summary view (viewing the data generated as shown in Tables A-C and figure 3), the playbook summary view comprising a folders and views section, a task title display and selection area, a summary task creation “button”, and a detailed task creation “button” (Examiner contends that the views shown in Tables A-C and figure 3 disclose these. For example the folders and views section could be interpreted to be the view of the project task template shown in figure 3, the task title display and selection area could be interpreted to be the project processes view shown in figure 3, the summary task creation “button” could be interpreted to be the selection

of a procedure from the process data sheet view shown in figure 3, and the detailed task creation “button” could be interpreted to be the selection of a second procedure from the process data sheet view shown in figure 3),

The folders and views section includes category “buttons” (categories include the major project tasks shown in figure 3 which can be selected for further detail) relating to categories of tasks associated with the designing, implementing and using the computer software system,

The task title display and selection area adapted to include “buttons” for selecting tasks pertinent to the categories of tasks (tasks include the process shown in figure 3 which can be selected for further detail),

The “buttons” for selecting tasks identifying the tasks which may be so selected (the process identifies the process to be selected, see figure 3),

The “buttons” for selecting tasks adapted to be displayed in the task title display and selection area in response to a selection of a “button” of the category “buttons” (selection of a major project task will cause the process “button” to be shown in the task title display, figure 3);

Generating and displaying a summary task template (such as the generation and display of the procedure data sheet of figure 3) of the plurality of templates for a selected first task of the tasks identified in the task title display and selection area, the summary task template being generated and displayed in response to a selection of the summary task creation “button” (such as the selection of a procedure within the process data sheet will generate and display a procedure data sheet as a “summary task

template"), the summary task template including summary parameters (such as the steps shown in the procedure data sheet in figure 3) of the selected first task, the generated summary task template being derived from the playbook database (all data within these views are stored within databases which are defined to be the "playbook" database); and

Generating and displaying a detailed task template (such as the generation and display of the procedure data sheet of figure 3 for a second process selected from the project processes task list, see notes on marked up copy of figure 3) of the plurality of templates for a selected second task of the tasks identified in the task title display and selection area, the detailed task template being generated and displayed in response to a selection of the detailed task creation "button" (selection of a second process will generate and bring up a related "detailed" task creation "button" which when selected brings up a related "detailed" template), the detailed task template including detailed parameters of the selected second task, the generated detailed task template being derived from the playbook database (all data within these views are stored within databases which are defined to be the "playbook" database).

Regarding claims 30 and 31, team member usage of the system is disclosed in column 7, line 38 and templates are shown to be linked to all types of documents, instructions, flow charts, etc... including guidelines, templates, and sample templates as shown in figure 3.

Regarding claims 36-38 (*Examiner notes that these claims were canceled in an after final amendment*), Examiner contends that all the functions of out-sourcing

procurement and training and managing of service providers are well known business functions for which it would be obvious to one of ordinary skill in the art to design software to perform these functions efficiently to increase profitability for the user. For example the training and management of service providing individuals, and the out-sourcing for procurement of goods and services are old and well known business practices to improve services and decrease manpower while increasing productivity in order to increase profitability and thus it would be obvious to utilize the computer program as modified above to generate and carry out a computer software system capable of performing these functions in order to increase a "customer's" profitability. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the program storage device of Gundewar et al.; Oka; Examiner's Official Notice; and Microsoft Press Computer Dictionary, as modified above, for the use of out-sourcing procurement and training and managing of service providers as taught by Examiner's Official Notice, in order to increase a "customer's" profitability

(11) Response to Argument

Issue 1.

1. 35 U.S.C. §112 Rejection

Appellant has argued and explained the difference between the terms "implement" and "use" by providing dictionary definitions to explain the difference. Examiner therefore withdraws the 35 U.S.C. §112 rejection as clarification is sufficient.

Issue 2.

1. Single Contiguous Display Area – Claim 29

Appellant has argued that neither Gundewar et al., Oka, Microsoft Press Computer Dictionary nor Examiner's Official Notice teach or suggest where the folders and views section, the task title display and selection area, the summary task creation button and the detailed task creation button of Gundewar et al.; Oka and Examiner's Official Notice, as modified (see rejection above for details), are shown together in a single contiguous display area within the playbook summary view.

The Examiner has used Microsoft Press Computer Dictionary to show that it is old and well known in the art of computer displays to provide the ability to display several views or documents on a screen which is a single contiguous display area to provide users a multitasking interface to view different documents at the same time. Microsoft Press Computer Dictionary states that "the screen can be divided into several windows, each of which has its own boundaries and can contain a different document (or another view into the same document)". The Examiner has added a reference from

Windows 95 which is a printed screen of Windows 95 that illustrates this windowing ability and is presented as Appendix A. The Examiner contends that this screen is contiguous because it is similar to the contiguous screen disclosed in the Applicant's Figure 16/18 which is presented for convenience for reviewers as Appendix B. Although the "documents" have boundaries they are still contiguous as they are connected by the boundaries and exist on one screen.

The Examiner therefore contends it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the information of Gundewar's Figure 3 (marked up and presented as Appendix C) which Examiner contends includes the "playbook summary views" (which incorporates folders and views section, task title display and selection area, summary task creation button and the detailed task creation button of the program storage device) on one divided screen of a windowing environment as taught by Microsoft Press Computer Dictionary, in order provide users a multitasking interface to view these different documents at the same time on a single contiguous display area.

2. Instructions for Coordinating a Project for Designing, Implementing, and Using a General Procurement and Accounts Payable System – Claim 29

Appellant has argued that neither Gundewar et al., Oka, Microsoft Press Computer Dictionary nor Examiner's Official Notice teach or suggest program instructions executable to perform designing, implementing, and using a general procurement and accounts payable (GO/AP) system.

The Examiner contends that Gundewar et al. and Oka both teach or suggest program instructions executable to perform designing, implementing, and using a general procurement and accounts payable (GO/AP) system.

First the Examiner contends that the program of Gundewar et al. in effect does disclose program instructions capable of being executed to perform the coordination of designing, implementing and using of any type of software which includes a general procurement and accounts payable system. Although Gundewar et al. does not expressly show the claimed system as being geared toward general procurement and accounts payable data *these differences are only found in the nonfunctional descriptive material* and are not functionally involved in the steps recited. The steps of Gundewar et al. would be performed the same regardless of the data. Thus, this descriptive material does not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to perform the step of Gundewar et al. using any type of data. Because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. Under this argument the reference of Oka may be considered superfluous.

Second, the Examiner contends that Oka teaches that it is old and well known to provide software for accounting systems to have automated accounting systems. It is commonly known that general procurement and accounts payable (GO/AP) systems are

accounting systems. Oka discloses in the “Summary of the Invention” in column 1, that it is known in the art to provide programming instructions to develop systems for accounting in order to development an accounting system. See details also under the “Description of the Related Art” in column 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the program storage device of Gundewar et al. for use on the development of an accounting system as taught by Oka, in order to coordinate the design, implementation and the use of an accounting system. Examiner provided the Oka reference to clearly show that accounting software systems exist and have been developed, and thus are old and well known in the art.

3. *Templates for “Using” the System – Claim 29*

Appellant has argued that neither Gundewar et al., Oka, Microsoft Press Computer Dictionary nor Examiner’s Official Notice teach or suggest templates for using the system.

The Examiner contends that Gundewar et al. teaches “templates of information relating to the designing, implementing, and using” of the system as claimed (see line 6 of claim 29). In response to Appellant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., the templates being used while using the completed software package) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner contends that "a plurality of templates of information relating to the design, implementation, and use of the computer software system" include templates as shown in figure 3 which are used for the information shown in Tables A-C which includes "information relating" to the *use* of the system which is being designed. For example Table A discusses data for defining business needs which Examiner construes as relating to the system's use as the system is being designed to carry out these needs. Templates of Gundewar et al. relate to "using" the system as they are used to contain data which defines the system and how the system will be used when completed or modified.

4. Team Members Responsible for Designing and Implementing the System/Team

Member Intranet Communications – Claims 30 and 31

Appellant has argued that neither Gundewar et al., Oka, Microsoft Press Computer Dictionary nor Examiner's Official Notice teach or suggest team members being responsible for designing and implementing the system nor that team members can communicate via an Intranet.

The Examiner contends that Gundewar et al. teaches team members being responsible for designing and implementing the system and that team members can communicate via an Intranet. Column 7, line 38 discloses team members submitting filled out templates and therefore team members are responsible for designing and

implementing the system. Figure 1 discloses a server with client interfaces which is common of Intranet systems.

5. *Performance of Designing a General Procurement and Accounts Payable System – Claim 32*

Appellant has argued that neither Gundewar et al., Oka, Microsoft Press Computer Dictionary nor Examiner's Official Notice teach or suggest they system being used for the performance of designing a general procurement and accounts payable system.

The Examiner contends that Gundewar et al. teaches using the system for performing the design of a computer software project.

The Examiner contends that Gundewar et al. and Oka both teach or suggest using the system of Gundewar to perform the designing of a general procurement and accounts payable (GO/AP) system.

First the Examiner contends that the program of Gundewar et al. in effect does disclose program instructions capable of being executed to perform the design of computer software (see column 1 line 11) and therefore includes the development of a general procurement and accounts payable system. Although Gundewar et al. does not expressly show the claimed system as being geared toward general procurement and accounts payable data these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of Gundewar et al. would be performed the same regardless of the data. Thus, this descriptive

material does not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to perform the step of Gundewar et al. using any type of data. Because such data does not functionally related to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. Under this argument the reference of Oka may be considered superfluous.

Second, the Examiner contends that Oka teaches that it is old and well known to provide software for accounting systems. It is commonly known that general procurement and accounts payable (GO/AP) systems are accounting systems. Oka discloses in the "Summary of the Invention" in column 1, that it is known in the art to provide programming instructions to develop systems for accounting in order to development an accounting system. See details also under the "Description of the Related Art" in column 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the program storage device of Gundewar et al. for use on the development of an accounting system as taught by Oka, in order to coordinate the design, implementation and the use of an accounting system. Examiner provided the Oka reference to clearly show that accounting software systems exist and have been developed, and thus are old and well known in the art.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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Art Unit 3627

March 5, 2005

Conferees:

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